

REMARKS

Reconsideration of this application, as amended, is respectfully requested. Claims 1 and 18 have been amended to clarify that a beam of charged particles is directed towards a sample along a beam axis at a tilt angle greater than an arctangent of an aspect ratio of the contact openings. Support for these amendments may be found in the specification as filed, for example at paragraph 69. No new matter is added.

The present claims are patentable over Yamada et al., U.S. Patent No. 6,768,324. For example Yamada fails to describe a system in which a beam of charged particles is directed towards a sample along a beam axis at a tilt angle greater than an arctangent of an aspect ratio of the contact openings, as recited in the claims. At best, Yamada indicates that the beam is directed to impact sidewalls of contact openings (see Fig. 54). However, there is no discussion of what the actual tilt angle should be. Hence, Yamada cannot be said to anticipate the present claims.

If any additional fee associated with this communication is required, including fees for extensions of time, which extensions of time are hereby requested, please charge Deposit Account No. 19-3140.

Respectfully submitted,

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